

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, et al.,

No. C 04-0098 SI

Plaintiffs,

**ORDER GRANTING DEFENDANT'S
MOTION TO STAY EXECUTION OF
JUDGMENT AND REQUIRING
POSTING OF SUPERSEDEAS BOND**

v.

FEDERAL EXPRESS CORPORATION,

Defendant.

Defendant has filed a motion to stay the execution of the judgment entered in favor of plaintiff Charlotte Boswell. The motion is scheduled for a hearing on June 8, 2007. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is suitable for resolution without oral argument, and VACATES the hearing.

Pursuant to Federal Rule of Civil Procedure 62(b), the Court has discretion to stay the execution of the enforcement of a judgment pending the disposition of post-trial motions. Defendant states that it intends to file post-trial motions. In light of this stated intention, the Court exercises its discretion and STAYS enforcement of the judgment, on the condition that defendant post a bond as set forth below.

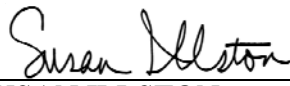
“District courts have inherent discretionary authority in setting supersedeas bonds[.]” *Rachel v. Banana Republic, Inc.*, 831 F.2d 1503, 1505 n. 1 (9th Cir. 1987). Defendant requests that the Court waive the bond requirement. Alternatively, defendant has offered to put up a \$3,500,000 bond. Plaintiff opposes the stay motion, and alternatively requests that defendant put up a \$5,500,000 bond.

The Court finds it is appropriate to require the posting of bonds during the pendency of the stay, and that the \$3,500,000 bond proposed by defendant is sufficient to cover the \$3,000,000 damages award plus interest. The Court approves of the proposed bond, which is attached as Exhibit B to the Babcock

1 Declaration. Accordingly, defendant is ORDERED to post a \$3,500,000 bond as a condition of staying
2 the enforcement of Boswell's judgment. Defendant shall post the bond no later than close of business
3 on **June 11, 2007**. If defendant fails to post the bond, the stay shall be lifted. (Docket No. 826).

4
5 **IT IS SO ORDERED.**

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7 Dated: June 5, 2007



SUSAN ILLSTON
United States District Judge